

REMARKS

The application includes claims 1-16 prior to entering this amendment.

Claims 1-16 are pending in the application.

No new subject matter has been added and reconsideration is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-4, 7, 9-11, 13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (AAPA) in view of Newman (U.S. Patent No. 5,708,970).

The Examiner admits that the AAPA does not disclose a *control part including a tone generator configured to output an activation tone on the transmission signal when switched to the communication mode, the activation tone automatically causing a handset receiving the transmission signal to switch from a reception mode to a reception and transmission mode* as recited in claim 1. However, the Examiner alleges this is taught at col. 1, lines 20-23 of Newell.

Col. 1 lines 20-23 of Newman state:

"In some monitoring devices, the user has the option of monitoring continuously, that is, to leave the transmitter on continuously, or to use a sound activation circuit, which causes the transmitter to broadcast only when the ambient sound level is above a predetermined threshold value."

The rejection is respectfully traversed. However, claim 1 has been amended to further clarify the patentable subject matter.

Claim 1 now recites:

A base station, comprising. . . the control part further including a tone generator configured to generate and output an activation tone on the wireless transmission signal when the control part is switched from the stand-by mode to the communication mode, the activation tone automatically causing a handset receiving the transmission signal to switch from a reception mode where a handset receiver circuit is coupled to a handset wireless reception part and a handset transmitter is disconnected from a powered off wireless transmission part to a reception and transmission mode where the handset receiver circuit is coupled to the handset

wireless reception part and the handset transmitter is connected to a powered on wireless transmission part as recited in claim 1.

Nowhere does Newman describe a base station that switches a handset from a reception mode to a transmission mode as recited in claim 1. Newman simply describes causing a transmitter to broadcast when the ambient sound level is above a predetermined threshold value. There is no tone generator discussed at Col. 1 lines 20-23 of Newell, much less a tone generator that generates an activation tone as recited in claim 1.

Newman does describe generating a “hidden tone.” However, the hidden tone is used in a receiving unit to mute the passage of audio from the receiver to a loudspeaker. The hidden tone can also be used to control an alarm circuit that turns on an LED (Col. 1, lines 40-50).

There is no hand set in Newman as recited in claim 1. The receiver in Newman is only used as part of a sound monitoring system and only transmits output sounds over a loud speaker (col. 1, lines 50-66). Refer to FIG. 3 where the receiver 100 doesn’t even have a wireless transmitter. Accordingly, it would be impossible for the system in Newman to have a *control part . . . including a tone generator configured generate and output an activation tone on the wireless transmission signal . . . and when the control part is switched from the stand-by mode to the communication mode, the activation tone automatically causing a handset receiving the transmission signal to switch from a reception mode where a handset receiver circuit is coupled to a handset wireless reception part and a handset transmitter is disconnected from a powered off wireless transmission part to a reception and transmission mode where the handset receiver circuit is coupled to the handset wireless reception part and the handset transmitter is connected to a powered on wireless transmission part.*

Accordingly, claim 1 is patentable under 35 U.S.C. 103(a) over AAPA in view of Newman. Claim 4 includes at least some elements similar to claim 1 and is therefore patentable for at least the same reasons as claim 1. Claims 5-10 depend either directly or indirectly on claim 4 and are patentable for at least some of the same reasons.

Regarding Claim 2, Newman does not disclose a control part that *outputs a first activation tone on the transmission signal for a predetermined time and at a first frequency after*

switching to the communication mode causing the handset to switch to the reception and transmission mode,

the control part outputting a second tone on the transmission signal for a predetermined time at a second frequency different from the first frequency after switching back to the stand-by mode causing deactivation of the handset transmission mode.

Newman generates only one single tone not first and second tones at first and second different frequencies as recited in claim 2. Ferianz does not even generate a tone, much less first and second tones for switching between a stand-by mode and a communication mode as recited in claim 2.

Accordingly, claims 2 is separately patentable under 35 U.S.C. 103(a) over AAPA in view of Newman and Ferianz. Claim 5 and 14 includes at least some elements similar to claim 2 and are therefore patentable for at least some of the same reasons.

Regarding claim 3, the Examiner takes official notice that push-to-talk has been known in the art. The rejection is respectfully traversed. Claim 3 recites *a push-to-talk switch that upon being pressed automatically activates the tone generator and automatically activates a power source in the wireless transmitter.*

The Examiner has not cited any reference that suggests a *push-to-talk switch that upon being pressed automatically activates the tone generator and automatically activates a power source in the wireless transmitter* as recited in claim 3, much less using the tone generator to generate an activation tone *automatically causing a handset receiving the transmission signal to switch from a reception mode where a handset receiver circuit is coupled to a handset wireless reception part and a handset transmitter is disconnected from a powered off wireless transmission part to a reception and transmission mode where the handset receiver circuit is coupled to the handset wireless reception part and the handset transmitter is connected to a powered on wireless transmission part* as recited in claim 1.

The silent tone generated in Newman is activated by a sound operated switch or by a pulse generator which turns on the hidden tone at regular intervals (col. 1, lines 40-50). It wouldn't make sense to use a push-to-talk switch to activate the tone generator in Newman, since the hidden tone is suppose to be remotely generated at the location where the monitoring unit is monitoring ambient sounds (col. 3, lines 55-67). If someone had to travel to the monitoring

location to activate the push-to-talk switch, the purpose of generating the hidden tone would no longer be necessary. Namely, to determine remotely if the monitoring unit is working correctly. In other words, if someone had to travel to the monitoring location to confirm the monitoring unit is working correctly, there would be no reason to also generate the hidden tone.

Accordingly, claim 3 is also separately patentable under 35 U.S.C. 103(a) over AAPA in view of Newman and Ferianz.

Regarding claim 11, Newman does not teach a communication device that includes a wireless section including *a wireless receiver for receiving a wireless reception signal and a wireless transmitter for transmitting a wireless transmission signal*. Refer to FIG. 1 (monitoring unit 10) and FIG. 3 (receiver 100) in Newman. Neither the monitoring unit 10 nor receiver 100 have *a receiver for receiving a wireless reception signal and a wireless transmitter for transmitting a wireless transmission signal* as recited in claim 11. Therefore, the VOX 20 shown in FIG. 1 of Newman could never be used for *switching between a stand-by mode where the wireless receiver is coupled to the receiver section and the wireless transmitter is powered off and disconnected from the transmitter section and a communication mode where the wireless receiver is coupled to the receiver section and the wireless transmitter is powered on and coupled to the transmitter section* as also recited in claim 11.

Accordingly, claim 11 is also patentable under 35 U.S.C. 103(a) over AAPA in view of Newman. Claims 12-16 depend either directly or indirectly on claim 11 and are therefore patentable for at least some of the same reasons as claim 11.

Regarding claims 13 and 14, the Examiner does not cite any locations in any of the cited art that disclose a communication device *automatically switching from the stand-by mode to the communication mode when a voice signal is detected in the transmission signal* as recited in claim 1 and *the control section automatically switches from the stand-by mode to the communication mode when a first predetermined frequency tone is detected in the reception signal* as recited in claim 13, much less *automatically switches from the communication mode back to the stand-by mode when a second predetermined frequency tone is detected in the reception signal* as recited in claim 14.

Accordingly, claims 13 and 14 are separately patentable under 35 U.S.C. 103(a) over AAPA in view of Newman.

CONCLUSION

For the foregoing reasons, the applicants request reconsideration and allowance of claims 1-16. The applicants encourage the examiner to telephone the undersigned if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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